

# **Kentucky Environmental Quality Commission**

## **Resolution Regarding Confined Animal Feeding Operations**

### **October 20, 1999**

**WHEREAS**, Kentucky has witnessed a significant increase in the number of confined animal feeding operations (CAFOs) within the past few years, primarily in regard to broiler production which has increased from 22 million broilers in 1992 to 172 million in 1998 and is expected to increase to 231 million by the year 2001; and

**WHEREAS**, a number of Kentuckians who reside near CAFOs have voiced concerns to the Environmental Quality Commission regarding environmental, odor, public health, transportation, and quality of life issues associated with these operations; and

**WHEREAS**, many of these citizens have expressed frustration with the state's response to their concerns citing a lack of reasonable solutions as well as the unwillingness of some agencies to adequately enforce existing standards; and

**WHEREAS**, the authority to address CAFO issues is spread across several state agencies including the Cabinet for Public Health, Department of Agriculture, Natural Resources and Environmental Protection Cabinet, Transportation Cabinet, Labor Cabinet, Department of Local Government, Attorney Generals Office, and the Economic Development Cabinet; and

**WHEREAS**, these state agencies appear to be responding to CAFO issues in a piecemeal, uncoordinated, and inconsistent manner, adding to the public's frustration and anger; and

**WHEREAS**, more must be done in Kentucky to collectively assess CAFO issues and develop a comprehensive state approach to responding to and addressing these and other related concerns to assure all Kentuckians have the right to use and enjoy their property without threat to public health, safety, and quality of life.

#### **Now be it resolved by the Environmental Quality Commission**

1. That Governor Paul E. Patton assemble a **CAFO State Action Team** composed of top ranking officials in the:

- Natural Resources and Environmental Protection Cabinet
- Cabinet for Health Services
- Transportation Cabinet
- Economic Development Cabinet
- Attorney Generals Office

- Labor Cabinet
- Department of Local Governments
- Department of Agriculture

2. That Governor Paul E. Patton charge the action team to:

- Assess each agency's role and responsibility to address CAFO issues and identify mechanisms available within each agency to address the following:
  - a. Odors
  - b. Siting/land use
  - c. Water quality and other environmental issues
  - d. Integrator liability
  - e. Pests and health issues
  - f. Transportation of animals, waste, and feed
  - g. Farmer education and assistance
  - h. Worker safety
- Develop a **CAFO State Action Plan** to identify state agency roles and responsibilities and to ensure a consistent and coordinated response among agencies in regard to CAFO complaints and issues.
- Assess gaps and identify policy and program options to more fully address CAFO issues.

3. That Governor Patton also consider the following measures to help resolve some of the CAFO issues currently confronting the Commonwealth:

- Support a state law to focus on two key public policy CAFO issues -- integrator liability and quality of life issues (siting setbacks).
- Support implementation of Kentucky Pollutant Discharge Elimination System (KPDES) water permits for Concentrated Animal Feeding Operations as specified by the U.S. Environmental Protection Agency's AFO draft national strategy.
- Strengthen farmer education and technical/financial assistance programs related to CAFOs.
- Initiate a state certification program for certain size agricultural operations or individuals handling agriculture waste (nutrient management certification).
- Develop a strong, consistent and coordinated CAFO enforcement program within the Natural Resources and Environmental Protection Cabinet and other state agencies with purview over CAFO issues.

4. That this resolution be forwarded to Governor Paul E. Patton and Crit Luallen, Secretary of the

Governor's Executive Cabinet, for consideration and response.

Submitted by the Environmental Quality Commission

Aloma Dew, Chair, Owensboro

Betsy Rudd Bennett, Vice-Chair, Lexington

Patty Wallace, Lousia

C.V. Bennett, III, Harlan

Robert Riddle, Midway

Gary Revlett, Shelbyville

Serena Williams, Louisville